

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

KEVIN KERR,)
Petitioner,)
v.) Case No. 13-3066-CV-S-FJG
WARDEN LINDA SANDERS,)
Respondent.)

ORDER AND JUDGMENT

Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the petition herein for a writ of habeas corpus was referred to the United States Magistrate for preliminary review under the provisions of 28 U.S.C. § 636(b).

The United States Magistrate has completed his preliminary review of the petition and has submitted to the undersigned a report and recommendation that the petition be dismissed without prejudice (Doc. No. 26). Petitioner did not file objections to the Magistrate's report and recommendation, and the deadline for him to do so has expired.

Petitioner has had a full and fair opportunity to challenge the Magistrate's recommended findings of fact, conclusions of law, and proposed action. Petitioner has failed to state or show any facts or legal principles that would create a genuine issue of material fact or warrant correction of the legal principles applied by the Magistrate. No further proceedings will therefore be required in this case.

Therefore, after a *de novo* review of the report and recommendation and the files and records in this case, it is concluded that the findings of fact, conclusions of law, and proposed actions of the Magistrate are correct and should be approved.

IT IS THEREFORE ORDERED that petitioner be, and he is hereby, denied leave to proceed *in forma pauperis*;

IT IS FURTHER ADJUDGED that the petition herein for a writ of habeas corpus be, and it is hereby, **DISMISSED without prejudice**. All remaining pending motions are **MOOT**.

IT IS SO ORDERED.

Date: March 6, 2014
Kansas City, Missouri

/S/FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge